

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DR. MORGAN REYNOLDS on behalf §
of the UNITED STATES OF AMERICA §

Plaintiff, §

vs. §

SCIENCE APPLICATIONS §
INTERNATIONAL CORP.; APPLIED §
RESEARCH ASSOCIATES, INC.; §
BOEING, NuSTATS; COMPUTER §
AIDED ENGINEERING ASSOCIATES, §
INC.; DATASOURCE, INC.; §
GEOSTAATS, INC.; GILSANZ §
MURRAY STEFICEK LLP; HUGHES §
ASSOCIATES, INC.; AJMAL ABBASI; §
EDUARDO KAUSEL; DAVID PARKS; §
DAVID SHARP; DANIELE VENEZANO; §
JOSEF VAN DYCK; KASPAR WILLIAM; §
ROLF JENSEN & ASSOCIATES, INC.; §
ROSENWASSER/GROSSMAN §
CONSULTING ENGINEERS, P.C.; §
SIMPSON GUMPERTZ & HEGER, INC.; §
S. K. GHOSH ASSOCIATES, INC.; §
SKIDMORE, OWINGS & MERRILL, §
LLP; TENG & ASSOCIATES, INC.; §
UNDERWRITERS LABORATORIES, §
INC.; WISS, JANNEY, ELSTNER §
ASSOCIATES, INC.; AMERICAN §
AIRLINES; SILVERSTEIN PROPERTIES; §
and UNITED AIRLINES, §

Defendants. §

Case No. 07CV4612 (GBD)

**§ APPLIED RESEARCH ASSOCIATES, INC.'S
MOTION TO DISMISS PURSUANT
TO FED. R. CIV. P. 12(b)(1) AND 9(b)**

COMES NOW Defendant Applied Research Associates, Inc. ("ARA"), by and through counsel, and hereby submits its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and 9(b). In support of said Motion Defendant ARA submits herewith its Memorandum of Law.

WHEREFORE, for the reasons outlined in Section II of said Memorandum of Law, the Court lacks subject matter jurisdiction over Relator's FCA claims and, therefore, Causes of Action One, Two and Three must be dismissed. Furthermore, as set forth in Section III of Defendant's Memorandum of Law, Relator fails to plead fraud with particularity under Rule 9(b). Accordingly, Defendant respectfully requests the Court dismiss with prejudice the Complaint in its entirety.

Dated: October 9, 2007
Denver, Colorado

s/ Gail D. Zirkelbach

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of October 2007, I electronically filed the foregoing **APPLIED RESEARCH ASSOCIATES, INC.'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(1) AND 9(b)** with the Clerk of Court using the CM/ECF system which will send notification of filing to the following e-mail addresses:

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And I hereby certify that I have mailed or served the document or paper to the following non-CM/ECF participants by U.S. Mail, first class, postage prepaid and addressed to the following:

None.

s/ Gail D. Zirkelbach

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